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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David DiFrancesco

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EXAMINER

CZEKAJ, DAVID J

ART UNIT

PAPER NUMBER

2621

MAIL DATE

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06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/700,299	Applicant(s) DIFRANCESCO, DAVID	
	Examiner DAVID CZEKAJ	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12, 14-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12, 14-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/20/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 9-12, 14-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsay et al. (4757374), (hereinafter referred to as "Ramsay") in view of Lippman (7369179) in further view of Bogdanowicz et al. (2002/0163657), (hereinafter referred to as "Bogdanowicz").

Regarding claim 9, Ramsay discloses an apparatus that relates to video conversion methods (Ramsay: column 1, lines 4-9). This apparatus comprises "a flat panel display to display a first and second frame" (Ramsay: figure 1), "a control unit coupled to the display configured to determine the first and second video frames and drive the flat panel display with the video frames" (Ramsay: figure 1; column 3, lines 55-59; column 4, lines 55-59), "a film recorder to record images displayed on the display" (Ramsay: figure 1, wherein the recorder is the camera), and "an adjustment mechanism coupled to the flat panel display and recorder configured to adjust the orientation of the display relative to the

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recorder" (Ramsay: figure 1; column 3, lines 55-59; column 4, lines 55-59; column 6, lines 1-37). However, this apparatus lacks the data associated with the frames and the digital images as claimed. Lippman teaches that prior art inverse telecine processes are often a time consuming and expensive process (Lippman: column 2, lines 8-25). To help alleviate this problem, Lippman discloses "data associated with the first and second frames" (Lippman: figures 3 and 10; column 10, lines 20-27; column 10, lines 55-65, wherein the data is the lines of resolution). Bogdanowicz teaches that there is a need in the art for a film scanner to produce an output image that still looks like the film image (Bogdanowicz: paragraph 0012). To help alleviate this need, Bogdanowicz discloses "a digital flat panel display to display a first digital image, the first image frame being generated from source data representative of a first full digital source image and second digital frame being representative of a second full digital source image, the images displayed at a spatial resolution, color purity, and depth resolution conforming to that of the first full digital image and second full digital image" (Bogdanowicz: figure 1; paragraphs 0037-0040, wherein the digital frames is the digital input). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Ramsay, add the processing taught by Lippman, and add the images taught by Bogdanowicz in order to obtain an apparatus that helps reduce the time and cost of video conversion systems.

Regarding claim 10, note the examiners rejection for claim 9, and in addition Ramsay discloses "the control unit directs the recorder to open and close a shutter" (Ramsay: figure 1, wherein opening and closing a shutting are known operations of a camera).

Regarding claim 11, Lippman discloses "the video data is encoded in NTSC" (Lippman: column 1, lines 50-52).

Regarding claim 12, although not disclosed, it would have been obvious to encode the video in the MPEG format (Official Notice). Doing so would have been obvious in order to more easily transmit large amounts of data of limited bandwidth networks.

Regarding claim 14, Bogdanowicz discloses "an external illumination source comprising a digital light projector" (Bogdanowicz: paragraph 0038).

Regarding claim 15, note the examiners rejection for claims 9 and 14.

Regarding claim 16, Lippman discloses "the frame rate for a first frame is substantially similar to a frame rate for film" (Lippman: column 8, lines 34-45).

Regarding claim 17, note the examiners rejection for claim 9, and in addition, Ramsay in view of Lippman disclose "positioning a film camera and flat panel display relative to each other such that the optical axes of the camera and display are substantially parallel" (Ramsay: figure 1), "receiving a portion of a stream of video" (Ramsay: figure 1, wherein the portion is the first frame), "determining first data for a first image from the portion" (Lippman: figures 3 and 10; column 10, lines 20-27; column 10, lines 55-65, wherein the data is the lines

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of resolution), "driving the display" (Ramsay: figure 1), "displaying the first image on the display and recording the first image" (Ramsay: figure 1), "advancing the film media" (Ramsay: figure 1, wherein the film is advanced on a frame by frame basis), "determining second data" (Lippman: figures 3 and 10; column 10, lines 20-27; column 10, lines 55-65, wherein the data is the lines of resolution), and "driving the display, displaying the second image, and recording the second image" (Ramsay: figure 1).

Regarding claim 18, note the examiners rejection for claim 14.

Regarding claim 19, note the examiners rejection for claim 14.

Regarding claim 20, note the examiners rejection for claim 11.

Regarding claim 21, note the examiners rejection for claim 12.

Regarding claim 22, Lippman discloses "the frame rate for the stream compared to the rate for the film is equal, greater, or lesser" (Lippman: column 8, lines 35-45).

Regarding claim 23, note the examiners rejection for claim 17. The examiner notes the processing will continue for all frames of the sequence. Although not disclosed, it would have been obvious to determine the total number of frames and determine a subsequent cost based on that number (Official Notice). Doing so would have been obvious in order to better help determine whether the conversion can be done in a cost efficient manner.

Regarding claim 25, although not disclosed, it would have been obvious to include a plurality of digital light projectors (Official Notice). Doing so would have

been obvious in order to help reduce noise and other artifacts from the video stream.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/
Primary Examiner, Art Unit 2621